

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
September 30, 2008**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:02 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

**MINUTES**

Mr. Morse moved and Ms. Hausch seconded the motion to approve the August 26, 2008 minutes of the Public Hearing on the lake County Subdivision Regulations.

Six voted "Aye".  
One abstained.

Mr. Zondag moved and Mr. Morse seconded the motion to approve the August 26, 2008 minutes of the Planning Commission meeting.

Six voted "Aye".  
One abstained.

**FINANCIAL REPORT**

Ms. Hausch moved and Ms. Pesec seconded the motion to approve the August, 2008 Financial Report as submitted.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

**LEGAL REPORT**

There was no report from Pat Nocero, Assistant Prosecutor.

**DIRECTOR'S REPORT**

Mr. Webster said there are about two more meetings with Madison Township and Village.

## ANNOUNCEMENTS

There were no announcements.

Mr. Siegel explained that the Perry Township Zoning Commission was meeting tonight and needed a letter from us regarding their proposed text amendment changes. The agenda order was moved to Land Use and Zoning.

## LAND USE AND ZONING

### Perry Township - Text Amendments to Section 213 - Conditional Uses, Definitions and Sections 301.01, 302.01, 303.01 and 304.01

Mr. Radachy said that Perry Township was adding Bed and Breakfasts to the conditional use section of their zoning text. Both Concord Township and Leroy Township have it as a conditional use.

Mr. Schaedlich arrived at 7:07 p.m.

Staff and the Land Use and Zoning Committee recommended the change with some suggestions to the conditional use:

1. The Township should require “a floor plan designating present location, exits, and evacuations routes shall be posted in each room”;
2. All Bed and Breakfasts should be ADA compliant;
3. Limit the size of Bed and Breakfasts to between 3,000 square feet to 5,000 square feet;
4. Provide an area for deliveries and dumpsters; and
5. Make sure that all agencies that have approval authority are notified and have a chance to comment.

Mr. Radachy said the home has to be owner occupied and there is no maximum size. As long as setbacks are met for an ER district of a 3-acre lot, they can build as large of a unit as they want.

Mr. Brotzman arrived at 7:13 p.m.

Mr. Morse moved and Mr. Adams seconded the motion to accept the recommendations of the Land Use and Zoning Committee for the Perry Township Text Amendments to Section 213 - Conditional Uses, Definitions and Sections 301.01, 302.01, 303.01 and 304.01 with the addition of the following suggestions to the text amendment:

1. The Township should require “A floor plan designating present location, exits, and evacuation routes shall be posted in each room”;
2. All Bed and Breakfasts should be compliant with the American with Disability Act if the Perry Township legal advisor approves it;
3. Limit the size of the Bed and Breakfasts to between 3000 to 5000 square feet;

4. Make sure that all agencies that have approval authority are notified and have a chance to comment; and
5. Each room shall have a carbon monoxide detector.

Mr. Klco, Ms. Pesec and other members discussed the relevance of ADA compliance with respect to older homes converted to bed and breakfasts. The federal law is concerned with accessibility for people with disabilities and is very specific about how structures can meet compliance. It was agreed that the ADA language will be retained as a suggestion to Perry Township's text amendments.

Eight voted "Aye".

One opposed.

## ANNOUNCEMENTS

Mr. Webster announced that members received an invitation to the Visitors Bureau Annual Meeting on October 22, 2008 and an invitation to the Lake County Development Council's Economic Forum on Wednesday, October 15, 2008.

## LAND USE AND ZONING

### Leroy Township - Text Amendment to Section 31 – Natural Resources Protection (Riparian Setbacks)

Mr. Radachy said that Leroy Township is adding riparian setbacks to their regulations to protect ground water and streams and landowners adjacent to the streams. Riparian setbacks will help control the flow of water. Determining setbacks is based on Chagrin River Watershed Partners model regulations. Staff also used maps from the Lake County Gazetteer developed in 1982 and the Ohio Department of Natural Resources also has watershed maps. Staff and the Soil and Water Conservation District developed a map to be used as an attachment that shows streams with the aid of the Geographic Information System. Streams are marked at 25, 75, and 120 feet. A buffer of 25 to 120 feet along the streams is needed to:

1. Preserve and conserve the quality and free flowing condition of designated watercourses, protect groundwater recharge and ground (well) water quality in the interest of promoting and protecting public health and safety.
2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
3. Assist in stabilizing the banks of designated watercourses, reduce stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
5. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.

6. Provide designated watercourse habitats with shade and food.
7. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
8. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
9. Minimize encroachment on designated watercourses and limit the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.

Mr. Radachy explained the following suggestions made by the Land Use and Zoning Committee:

1. Remove walls and fences from the flood plain;
2. Add language that would allow the zoning inspector to have the riparian setback marked in areas that are within 20 feet of the soil disturbing activities,
3. Require that the riparian setbacks be shown on the plot plan and the site plan; These are additions to Leroy Zoning requirements.
4. Define structural storm water management practice; there were no definitions present.
5. Review if prohibiting structural storm water management practices is the proper thing to do; and
6. Check grammar and punctuation.

The Land Use and Zoning Committee noted that other definitions were missing. Mr. Boyd did create definitions for streams and designating a watercourse. They were placed into the definitions section of the zoning code but they did not submit the definitions for review this month. Without the definitions, there is a lot of gray area that is not defined. Mr. Boyd worked with the Prosecutor's office on an initial and follow-up review.

Ms. Nocero said another prosecutor did the review but a lot of the comments he made do not appear in this version and he was concerned about that. It needed another review. They took out some language because they wanted to make it easier to understand and they took out the current language like who did the map, or who decided what the definitions are. People need to know that the definition of "watercourse" is the same definition being used by the U. S. Army Corp of Engineers.

Mr. Radachy said they set the public hearing at the last zoning commission meeting for October 13<sup>th</sup> and it can stay open for as long as the need.

Ms. Nocero said the Lake County Prosecutors are Leroy Township's legal counsel and they didn't take their advice. She wants a paper trail that says we told them what to do in case they get sued. There are no definitions. For instance, in deciding what a watercourse is, the zoning inspector has an option to either talk to Soil & Water or not. There are no standards.

Mr. Webster said we have to respond to them so they can have something for their public hearing. You can either recommend denial with reasons why, recommend modifications, or just recommend it. Your best options are to deny because of certain things or recommend approval subject to their working out the problems and working with the Prosecutor's office before it is adopted. There is continuity among these groups as to definitions: the Ohio Environmental Protection Agency, the Federal Environmental Protection Agency, Corp of Engineers, and the Soil and Water Conservation District.

Mr. Radachy said Mr. Boyd has been working with Leroy Township and will take these comments back to them.

Ms. Pesec said it is a bad signal for us to deny it after our staff has been working for 18 months on this even though Leroy Township created a problem by not including the Prosecutor's comments.

Mr. Adams said we should deny it with explicit reasons why. He made a motion to accept Land Use and Zoning's recommendations with comments.

Mr. Webster said you could recommend adoption with reasons why Land Use and Zoning gave corrections plus the additional corrections tonight.

Ms. Nocero said that she did not think Mr. Boyd wants this to be denied because he thinks he could bring this to some conclusion. So much work has gone into this. She thinks they can get it done, especially if the Prosecutor's office goes along with this and states that they cannot do this in this manner. Approve it with recommendations from the Prosecutor's office and further recommendations from the staff and Land Use and Zoning.

Mr. Adams restated his motion to accept the Land Use and Zoning Committee's recommendations, staff's recommendations, and the Prosecutor's recommendation. Approval is based on their putting this together.

All voted "Aye".

## SUBDIVISION REVIEW

### Concord Township – Summerwood, Phase 1, Maintenance Bond

Mr. Radachy said that staff received a letter from the County Engineer asking Concord Township to re-inspect Summerwood Subdivision for the catch basins. It is not necessary to take action at this meeting however, Summerwood has to be untabled.

Ms. Hausch moved and Ms. Pesec seconded the motion to untable Summerwood Subdivision Phase 1 in Concord Township.

All voted "Aye".

Mr. Rick DeGeronimo of Independence Excavating said that he is trying to clarify what he needs to do to close out the project. They are hoping that after doing Concord's punch list, they will be done.

Mr. Webster said it came to the Planning Commission's attention that about six catch basins are now raised and those need to be fixed. The County Engineer does the inspections for us and will say what has to be done.

Mr. Radachy said when the County Engineer recommends approval, this Board will request the Board of Lake County Commissioners to release the construction surety and recommend a one-year maintenance bond. As soon as that bond is accepted, the Commissioners will accept our recommendation and the County Engineer's recommendation and will allow a one-year bond.

Mr. DeGeronimo said they were aware that some catch basins needed work.

Mr. Webster recommended that Mr. DeGeronimo confer with Mr. Hadden and Mr. Gills.

Mr. DeGeronimo said they will fix the catch basins within the coming week and send a letter to Mr. Gills informing him of this.

Mr. Radachy said the question still is will we allow them to have a one-year maintenance period when they complete this punch list in a week? Then they will not have to wait until our next meeting.

Mr. DeGeronimo said waiting was not an issue.

Ms. Pesec moved and Mr. Schaedlich seconded the motion to table Summerwood Subdivision Phase 1 Maintenance Bond in Concord Township.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

### Lake County Coastal Plan Committee

Mr. Webster said minutes for the Coastal Plan Committee were distributed.

## CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

### Lake County Subdivision Regulations Changes

Mr. Radachy said that after consulting with Concord Township, there is some contradictory language with regard to sidewalks which will be rewritten. Lighting regulations were also revised.

With regard to landscaping, staff is recommending that street trees be removed since no one has done street trees in 30 years. Staff is also recommending that “No Outlet” signs have markers that say “temporary” underneath to inform people that the cul-de-sac is not permanent. Ms. Pesec requested that these signs be posted as soon as possible.

Mr. Radachy said that language will be added to include the Planning Commission and the townships in final inspections prior to the release of bonds.

## NEW BUSINESS

There was no new business.

## PUBLIC COMMENT

There was no comment from the public.

## EXECUTIVE SESSION

Mr. Zondag moved and Ms. Pesec seconded the motion to go into Executive Session at 8:10 p.m.

All voted “Aye”.

Mr. Brotzman moved and Mr. Adams seconded the motion to come out of Executive Session at 8:30 p.m.

All voted “Aye”.

## ADJOURNMENT

Mr. Klco moved and Mr Zondag seconded the motion to adjourn the meeting.

All voted “Aye”.

The meeting adjourned at 8:31 p.m.